

REMARKS

The amendments to the specification are confined to insertions of publication numbers corresponding to applications originally identified only by serial or application number, and to corrections of minor clerical errors. It is believed that the need for most of these amendments will readily be apparent from the context, and that the only one requiring detailed comment is the change of "chromate" to "chromite" in Paragraph [0291]. Although this is the correction of a clerical error, since the original wording did name a real pigment, there is filed (as Attachment 1 hereto) a copy of the manufacturer's Technical Information Sheet showing that the Shepherd Black 1G pigment used in Example 31 is in fact copper chromite, not copper chromate. This Technical Information Sheet is, as of the date of writing, available at http://www.shepherdcolor.com/techds/bk001g_vis.html.

The aforementioned Office Action stated that claims 1-135 were pending in this application, that claims 107-135 were withdrawn from consideration (as directed to a non-elected invention), that claims 1-68, 101-103 and 106 were allowed, that claims 69, 76, 84, 87, 88, 91, 92, 100, 104 and 105 were rejected, and that claims 70-75, 77-83, 85, 86, 89, 90 and 93-98 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. The applicants now amend the claims of this application to confine the claims to the subject matter indicated as allowable in the Office Action; this restriction of the claims is, of course without prejudice to applicants' rights to file divisional or continuation applications directed to other subject matter.

More specifically, the non-elected claims 107-135 have been cancelled. Instead of rewriting claim 70 in independent form, and in order to avoid numerous changes in the dependencies of later claims, claim 69 has been amended to include the subject matter of claim 70, and claim 70 has been cancelled. Since claim 69 is thus identical in substance to former claim 70, it is allowable for the same reasons as claim 70.

Furthermore, since all of claims 71-100 depend, directly or indirectly, from claim 69, claims 71-100 are also allowable.

Claim 104 has been amended to depend from claim 101 instead of claim 100. Although this amendment is a correction of a clerical error, it renders claim 104 allowable for the same reasons as claim 101, and since claim 105 depends from claim 104, claim 105 is also allowable for the same reasons as claim 101.

The opportunity has been taken to correct two additional clerical errors in the lengthy set of claims. In claim 39, "with" has been changed to "within", as clearly required by the context, and for consistency with, for example, claim 61. Also, claim 106 has been amended to depend from claim 104 rather than claim 103; this change, which is the correction of a clerical error, is needed because claim 106 is directed to an electrophoretic medium, whereas claim 103 is directed to a pigment particle.

It is respectfully submitted that the foregoing amendments to the claims clearly render the 35 USC 102 rejections set out on pages 2-4 of the Office Action moot.

Reconsideration and allowance of all claims now present is respectfully requested.

Prior to the present Amendment, this application contained 135 claims, including 9 independent claims, and the relevant fees had been paid for all these claims. The application now contains 105 claims, including 5 independent claims. Accordingly, it is believed that no additional claim fees are required in connection with this Amendment.

The Examiner is respectfully requested to reconsider and withdraw the paragraph of the Office Action relating to the Information Disclosure Statements (IDS's), especially since it appears from the Electronic File Wrapper that the Examiner is not in possession of all the IDS's filed by the applicants.

The applicant has filed five separate IDS's in connection with the present application, as follows:

- (a) Three Electronic IDS's, all filed January 9, 2003, and together listing References P1-P135 and U1-U16;
- (b) A paper IDS, dated January 9, 2003, listing References B1-B38 and C1-C22; and
- (c) A paper Supplemental IDS, dated February 5, 2003, listing Reference C23.

Attachments 2, 3 and 4 to this Amendment are copies of the three Electronic IDS's, *including the Acknowledgement Receipts confirming their receipt by the Office on January 9, 2003*. Attachment 5 is a copy of the return receipt postcard for the paper IDS dated January 9, 2003 confirming receipt by the Office of this IDS and References B1-B38 and C1-C22. Similarly, Attachment 6 is a copy of the return receipt postcard for the paper IDS dated February 5, 2003 confirming receipt by the Office of this IDS and Reference C23.

In view of Attachments 5 and 6, it is respectfully submitted that the applicants have in fact provided the Office with copies of all foreign patent and non-patent references, even though it appears that these references have failed to reach the present Examiner. For the convenience of the Examiner, additional copies of References B1-B38 and C1-C23 are filed herewith, and it is requested that the Examiner now review these references and return the usual initialed copies of the Forms PTO-1449 to applicants.

As regards the three Electronic IDS's, it is respectfully requested that the Examiner ensure that these IDS's are included in the Electronic File Wrapper, and that the Examiner review the U.S patents and applications included in these IDS's and return the usual initialed copies of the relevant forms to applicants. It is noted that, as stated on the enclosed Attachments 2, 3 and 4 and as set forth in the Commissioner's Notice "Electronic Submission of Information Disclosure Statements", dated September 17, 2002, applicants are not required to file copies of the US patents and applications listed in these Electronic IDS's..

Finally, there are other documents filed by applicants on which the Office has failed to act. On July 19, 2002, with the Response to Missing Parts, the applicants filed a paper entitled "Withdrawal of claim to small entity status under 37 CFR 1.28(c) and payment of fee deficiency" stating that the original claim to small entity status was made in error and requesting that a fee deficiency be charged to the assignee's Deposit Account. Subsequently, on July 22, 2002, the applicants filed a paper entitled "Correction of withdrawal of claim to small entity status under 37 CFR 1.28(c) and payment of fee deficiency" correcting a mistake in the calculation of the fee deficiency. (For reasons which are unclear to the undersigned, both of the aforementioned papers are included in the Electronic File Wrapper as a six-page "Miscellaneous Incoming Letter" under a date of July 22, 2002.) According to applicants' records, no fee deficiency for this application has been charged to the assignee's Deposit Account, and no communication has been received from Office acknowledging withdrawal of small entity status; for example, the Corrected Filing Receipt mailed August 8, 2002 still shows this application as being entitled to small entity status. Accordingly, it is respectfully requested that the Examiner ensure that the Withdrawal of claim to small entity status is duly processed and an appropriate Corrected Filing Receipt issued.

Since the normal period for responding to the Office Action expired April 7, 2004, there is filed herewith a Petition for a one month extension of this period.

Respectfully submitted


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Acknowledgment Receipt

ATTACHMENT 3

SUBMISSION TYPE: Information Disclosure Statement

APPLICATION NUMBER: 10063803

FIRST NAMED INVENTOR: Charles Honeyman

TITLE OF INVENTION: ELECTROPHORETIC PARTICLES AND PROCESSES FOR THE PRODUCTION THEREOF

ATTORNEY DOCKET NUMBER: H-307

FILE LISTING:

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us-information-disclosure-statement us-ids.dtd 11983 Bytes
us-information-disclosure-statement e-idssta.xsl 17508 Bytes

EFS ID: 21640

FILE SIZE: 19079 Bytes

TIMESTAMP: Thu Jan 09 15:04:20 EST 2003

MESSAGE DIGEST: o4og96dxRCiwF4nwtubE1g==

DIGITAL CERTIFICATE HOLDER NAME: cn=David J Cole, ou=Registered Attorneys

UPLOAD STATUS: You have successfully uploaded your submission to USPTO

Acknowledgment Receipt

ATTACHMENT 4

SUBMISSION TYPE: Information Disclosure Statement

APPLICATION NUMBER: 10063803

FIRST NAMED INVENTOR: Charles Honeyman

TITLE OF INVENTION: ELECTROPHORETIC PARTICLES AND PROCESSES FOR THE PRODUCTION THEREOF

ATTORNEY DOCKET NUMBER: H-307

FILE LISTING:

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us-information-disclosure-statement us-ids.dtd 11983 Bytes
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EFS ID: 21641

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TIMESTAMP: Thu Jan 09 15:09:14 EST 2003

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DIGITAL CERTIFICATE HOLDER NAME: cn=David J Cole, ou=Registered Attorneys

UPLOAD STATUS: You have successfully uploaded your submission to USPTO

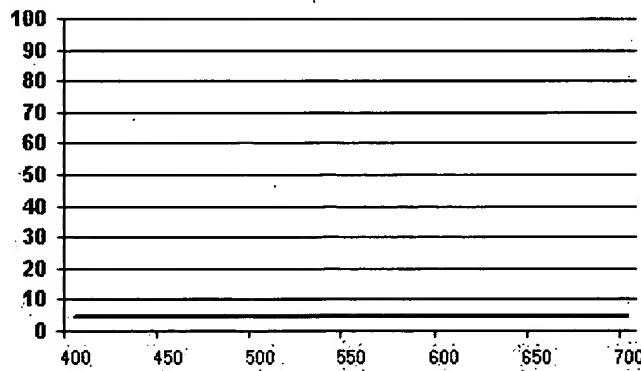
**Black 1 G**

CI Pigment Black 28
Copper Chromite Black
Spinel

A jet-black powder produced by high temperature calcination. This pigment has good UV and visible opacity, is chemically inert, heat resistant, and stable to ultraviolet light. It is non-bleeding and non-migratory. It has exceptional durability and hiding power, and is generally used in applications where resistance to heat, light, and weather are needed. It is compatible with most resin systems and polymers, and is non-warping.

Reflectance

—Masstone



Revision Date: Apr-01-2002

Specific Gravity 5.5

Oil Absorption 10 kg/100 kg

Residue 325 mesh [44 0.05 wt%
μm]

Average Particle Size 1.0 μm

pH 7.3

Heat Stability 930 °C

Surface Area BET 2.7 m²/g

Conductivity 150 μS/cm

Percent Moisture 0.2 wt%

Crystal Structure spinel x-ray

Lightfastness 8 (1-8)

Weatherability 5 (1-5)

Acid Resistance 5 (1-5)

Alkali Resistance 5 (1-5)

Bulk Density 0.64 kg/L

Product InformationVisible Only 300-2500 nm

Acknowledgment Receipt**ATTACHMENT 2****SUBMISSION TYPE: Information Disclosure Statement****APPLICATION NUMBER: 10063803****FIRST NAMED INVENTOR: Charles Honeyman****TITLE OF INVENTION: ELECTROPHORETIC PARTICLES AND PROCESSES FOR THE PRODUCTION THEREOF****ATTORNEY DOCKET NUMBER: H-307****FILE LISTING:**

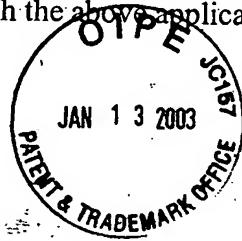
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EFS ID: 21639**FILE SIZE: 19285 Bytes****TIMESTAMP: Thu Jan 09 14:57:23 EST 2003****MESSAGE DIGEST: FDG5qhqqVyfg5aPexQk71g==****DIGITAL CERTIFICATE HOLDER NAME: cn=David J Cole, ou=Registered Attorneys****UPLOAD STATUS: You have successfully uploaded your submission to USPTO**

ATTACHMENT 5

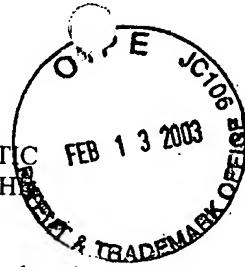
Attorney's Ref.: H-307
Application of: Honeyman et al.
Serial No. 10/063,803
Filed: April 15, 2002
For: ELECTROPHORETIC PARTICLES
AND PROCESSES FOR THE PRODUCTION THEREOF

The stamp of the Patent Office hereon may be taken as acknowledging the receipt, on the date stamped, of an Information Disclosure Statement, Form PTO-1449 (4 pp.), copy of International Search Report and References B1-B38 and C1-C22, all in connection with the above application for patent.



ATTACHMENT 6

Attorney's Ref.: H-307
Application of: Honeyman et al.
Serial No. 10/063,803
Filed: April 15, 2002
For: ELECTROPHORETIC
PARTICLES AND PROCESSES FOR THE
PRODUCTION THEREOF



The stamp of the Patent Office hereon may be taken as acknowledging the receipt, on the date stamped, of a Supplemental Information Disclosure Statement, Form PTO/SB/08A (2 pp.) and Reference C23, all in connection with the above application for patent.